

1       how far back, it might've been, \$16.00, \$17.00 dollars  
2       an hour back in '93-'94.

3               Q       Whatever the figure was, it was less than  
4       the current \$21.00 an hour?

5               A       Yes, it hasn't gone -- it hasn't gone  
6       down.

7               Q       Generally, an as-needed announcer would  
8       work how many hours per week?

9               A       It could -- the number of hours -- there  
10       was no set number. The numbers could be anywhere from  
11       0 to 15, 20, 30 if I was -- but it just depended on if  
12       -- like I say, if the regular announcers were there,  
13       I would have very few. If the regular -- if I have  
14       regular announcers who were, let's say, on vacation,  
15       I'd have to fill a regular announcer's shifts for up  
16       to 40 hours in a week.

17               Sometimes I would do that with one person,  
18       but generally I would do it with a number of people to  
19       fill in for -- let's say if I had to fill in for one  
20       person who was off for 40 hours, I'd maybe fill in  
21       with more than one person.

22               Q       Now, did there come a time when you became

1 aware that Mr. Lopez was affiliated with an  
2 organization called Golden Gate Public Radio?

3 A Yes, sometime in 1997, though I don't  
4 recall an exact date in 1997.

5 Q There came a time when you became aware  
6 that Golden Gate Public Radio had filed a petition to  
7 deny the 1997 KALW renewal application?

8 A In the fall of '97 I recall one day Jeff  
9 Ramirez asking me into his office, and he told me  
10 about the Golden Gate Public Radio challenge to the  
11 license.

12 Q What did he tell you?

13 A Verbatim I can't you a specific, other  
14 than he said that Golden Gate Public Radio had filed  
15 a license challenge, and he mentioned some of the  
16 charges that they had made in their filing -- in their  
17 petition.

18 Q Did he mention that Golden Gate Public  
19 Radio had challenged Mr. Ramirez's integrity in any  
20 way?

21 A I don't recall that in that conversation  
22 that he had brought up that his integrity had been

1 challenged.

2 Q Was there ever a time when it was brought  
3 to your attention that that was so?

4 A I don't remember any, that being -- that  
5 Mr. Ramirez's integrity was, was being challenged.

6 Q Did you ever have an understanding that  
7 Golden Gate Public Radio was charging, among other  
8 things, that a license renewal certification was  
9 false?

10 A At the time when Jeff told me that -- they  
11 were challenging the license based on some of the  
12 things they said that Jeff had certified in his  
13 renewal application documents were not correct.

14 Q Not just not correct, but were not true,  
15 and that Mr. Ramirez had known that they were not  
16 true. Is that so?

17 A I don't know that that was -- that they  
18 were saying that Jeff knew that they weren't. No.

19 Q Did you ever discuss with Mr. Lopez why  
20 Golden Gate Public Radio filed the Petition to Deny?

21 A In the years since the challenge, I've  
22 never discussed it with Jason Lopez.

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1 Q Did you ever discuss it with anyone else?

2 A Outside of my supervisors and school  
3 district officials and our attorneys, I've never  
4 discussed it with anyone at the radio station.

5 Q Did there ever come a time when you  
6 learned that documents had been removed from the  
7 Public Inspection File and not returned?

8 A At the time after the challenge was filed  
9 by Golden Gate Public Radio, we knew that part of  
10 their challenge had been made up of documents, both  
11 from private files and that documents had been gone --  
12 my private files had obviously been looked at.

13 When there -- there were also charges  
14 about documents not being in the Public File that  
15 should have been in there. We assumed -- I assumed,  
16 I should say -- that since my documents, my files, my  
17 private files had been gone through, that the Public  
18 File had been gone through also by either Golden Gate  
19 Public Radio principals or friends of Golden Gate  
20 Public Radio.

21 So at that point, when it was -- if there  
22 was a question about a missing document in late '97

1 that should have been in the file, I operated from the  
2 assumption at that time up through the time of the  
3 response to GGPR's petition that we filed in early  
4 '98.

5 I operated from the position that it had  
6 been taken from the Public File, just like documents  
7 obviously had been lifted from my personal, excuse me,  
8 from my private file.

9 Q With respect to the documents that had  
10 been, as you say, lifted from your private file, were  
11 those documents -- had those documents been taken out  
12 and they simply weren't in your private file anymore?

13 A At this time I don't remember if they were  
14 still in my private file, but at that time we knew  
15 from seeing the challenge, the GGPR challenge, that  
16 they had come from my private files.

17 I don't recall afterward at that time  
18 looking to see if they were still there. But it was  
19 obvious to me that my private files, the drawers in my  
20 private files, files in that drawer, had been gone  
21 through.

22 A In connection with your answer about

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1 whether a document had been removed from the Public  
2 File and not put back, I asked you at your deposition  
3 at page 248, line 14, did it ever come to your  
4 attention that someone at, someone removed a document  
5 from the station's Public File and didn't put it back?

6 "Answer: I had no knowledge that somebody  
7 had, or if somebody had done that." Next question:  
8 "Did anybody ever tell you that, you know, I think  
9 somebody, you know, [identifying the person], took  
10 something out of the Public File and didn't put it  
11 back. Answer: I never had a conversation like that  
12 that I can recall."

13 Now, with that in mind, let me ask again,  
14 did there ever come a time when you learned that  
15 documents had been removed from the Public Inspection  
16 File and not returned?

17 MR. DUNCAN: Objection. Asked and  
18 answered.

19 JUDGE SIPPEL: I'm going to let him ask on  
20 cross-examination. You can answer the question if you  
21 can.

22 THE WITNESS: Okay. In the fall of 1997,

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1 when we were preparing our response to Golden Gate  
2 Public Radio's challenge, and we, for instance, saw  
3 that there should have been in the file an ownership  
4 report -- a particular ownership report, that appeared  
5 not to be there, the only, the conclusion we came to,  
6 or I came to, I should say, was that it had been  
7 there, because Jeff had certified that it had been  
8 there and now it wasn't.

9 So the conclusion I came to was that --  
10 let's recreate this -- let's prepare a new document  
11 and put it in -- and we will put it in the file.

12 BY MR. SHOOK:

13 Q Did you ever ask Jeff what it was that he  
14 had certified to with respect to the Public File?

15 A Since he was my manager and he was  
16 overseeing the renewal process and the renewal --  
17 creating the renewal documents, I just operated from  
18 the assumption that he knew what he was doing and he  
19 had answered all the questions that he was supposed to  
20 have answered.

21 Q So I take it then you did not ask him  
22 whether or not his certification was meant to include

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1 the ownership reports that you just referred to.

2 A At that time I had -- I'm -- to this day  
3 I have no basis for saying that Jeff had incorrectly  
4 filled out -- incorrectly filled out the renewal  
5 documents.

6 Q Are you aware that there is an exhibit in  
7 this proceeding where SFUSD is correcting or changing  
8 the answer to the renewal application question "Were  
9 documents placed in the Public Inspection File at the  
10 appropriate times in accordance with the Public File  
11 rules?"

12 A If I could see that document it might  
13 refresh me. But I'm not --

14 MS. REPP: I believe this is SFUSD Exhibit  
15 76. Bill, this was filed with the FCC on June 2,  
16 2005, and it is an amendment to the 1997 renewal  
17 application.

18 THE WITNESS: Okay. So this is --

19 MS. REPP: You might want to look at this  
20 second bullet and the third bullet.

21 THE WITNESS: Okay. Give me a minute.  
22 The date of this, I'm sorry, is what?



1 MS. REPP: June 2, 2005.

2 THE WITNESS: Okay.

3 MR. DUNCAN: I think the question on the  
4 table, though, is whether you've seen that document  
5 before -- whether you're aware of that document being  
6 filed in this proceeding, and read as much as --

7 THE WITNESS: I would have -- okay.

8 MS. REPP: Do you want to look at the  
9 first --

10 THE WITNESS: I'm sorry. Do I want to  
11 look at --

12 MR. DUNCAN: You look at whatever you need  
13 to look at in that.

14 THE WITNESS: Okay.

15 MS. REPP: Do you want to look at the  
16 first page to see if it's familiar?

17 THE WITNESS: Okay.

18 THE WITNESS: Should we start now, or --

19 MR. DUNCAN: Sure.

20 THE WITNESS: Okay.

21 BY MR. SHOOK:

22 Q I'm afraid the exact question that I asked

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1 is lost in the mist -- mist of time, so I'll have to  
2 reformulate it. Basically the question is, if you'll  
3 indulge me a minute, Your Honor, I'm going to have to  
4 try to remember what I asked him.

5 Mr. Helgeson, my question was whether or  
6 not you were aware that the answer to section 3,  
7 question 3, of the 1997 renewal application had been  
8 amended.

9 A Until just reading this document now, no.  
10 This is the first I've -- this has been shared with me  
11 today.

12 Q Now, a little bit earlier, in response to  
13 a question that I had about whether you had learned  
14 that documents had been taken from the Public File and  
15 not returned.

16 You mentioned among other things that you  
17 assumed that such had occurred because your own files  
18 had been gone through and certain documents had been  
19 used or pulled or taken, something like that, from  
20 your own file. And so you assumed from that that  
21 Public File documents had also been taken and not  
22 returned. Did you share that belief with anybody or

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1 share that assumption with anybody?

2 A I only spoke about this matter with Jeff  
3 Ramirez --regarding the license challenge and our  
4 response to it. I only spoke with Jeff Ramirez and  
5 the attorneys at Sanchez Law Firm. And I wasn't led  
6 to believe any other way, that we were trying to come  
7 up with our -- in our response, that was the only  
8 answer that I could come up with.

9 Nobody disabused -- I wasn't disabused of  
10 that notion. These were - our feeling -- my feeling  
11 was that we had -- this license challenge was  
12 basically by people who worked for the radio station  
13 and had gone through private files and no doubt knew -  
14 - had gone through the Public File to the point where  
15 they were aware of the Public File, and had gone into  
16 computers and taken people's private communication  
17 emails.

18 So that was the -- that was the -- we were  
19 operating from, that's who we were dealing with here.  
20 Not just a member of the public, but people who  
21 actually worked, our co-workers.

22 Q You mentioned before that the Public File

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1 was in a drawer of a four-drawer file cabinet. Were  
2 all four drawers to that cabinet lockable, or were  
3 they left unlocked, or how did that file cabinet work?

4 A That was the old file cabinet that moved  
5 with us from office to office, and it was a four-  
6 drawer file cabinet and it was not locked. I don't  
7 even -- I don't believe you even could've locked it.  
8 I think --

9 Q After you came to the assumption or came  
10 to the belief that the files had been -- that the  
11 files in that file cabinet had been gone through, did  
12 you take any steps whatsoever to secure that file  
13 cabinet?

14 A At that time -- at that point, we still  
15 left all those files in those file cabinets.

16 Q The file cabinet --

17 A And without a lock, yes, there was --  
18 there was --

19 Q The file cabinet itself was not placed in  
20 a secure room?

21 A No, it was still placed in the open office  
22 where it was -- where it was, where it had been.

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1 Q It wasn't moved at all?

2 A It wasn't moved at all at that time.

3 Q It wasn't secured in any way?

4 A The file -- there was no locks put on the  
5 file drawers at that time.

6 MR. SHOOK: Well, Your Honor, it's five  
7 minutes after six, so it's a matter of how long  
8 everybody wants to go on here.

9 JUDGE SIPPEL: Well, it's up to you. Are  
10 you at a point where you think that it's a logical  
11 break?

12 MR. SHOOK: I could -- I could go on.

13 JUDGE SIPPEL: How do you feel?

14 THE WITNESS: I'm sure everybody wants to  
15 go home to their families. I don't have that -- I  
16 don't have that issue going on tonight, so I'll leave  
17 it up to them.

18 JUDGE SIPPEL: Well, I want to ask -- I  
19 want to follow up a little bit with this financial  
20 information that you were developing for the record.  
21 Does the -- does the station have year-end financial  
22 reports that are put together -- financial statements

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1       that are put together at the end of the year and sent  
2       up to the school board or some such thing as that?

3               THE WITNESS: Every year financial records  
4       of the station are audited by an independent auditor  
5       on a -- the fiscal year basis.

6               JUDGE SIPPEL: Yes. So why can't we get  
7       information like that? I mean, maybe it doesn't have  
8       to go in the record, it certainly could go in, if it's  
9       not going to go in the record it could go in as a  
10      sealed document, but that would give you -- I'm asking  
11      Mr. Shook now, because it would give you more specific  
12      information than what you have been exploring with  
13      this witness this afternoon.

14              MR. SHOOK: That's fine. Basically I  
15      would leave it to the school board to determine what  
16      kind of financial information if any they wish to  
17      disclose relative to their situation, and I certainly  
18      have no objection if they were to place that  
19      information under seal.

20              MR. PRICE: We can provide that document,  
21      Your Honor. I mean, there's the annual report both  
22      for the radio station, KALW, which Mr. Helgeson's

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1 provided some testimony for --

2 JUDGE SIPPEL: Right.

3 MR. PRICE: And then there's a financial  
4 statement with respect to the San Francisco Unified  
5 School District, which I believe is, they're ending  
6 their budget cycle as well, and I suspect they're  
7 under -- but I'm not sure how instructive their  
8 numbers will be since they're at a \$22 million  
9 deficit, but we'll be happy to provide that document  
10 as well.

11 JUDGE SIPPEL: Well, I certainly think  
12 it's relevant. I mean, if this line of questioning or  
13 this witness off the top of his head ballpark, that  
14 kind of thing, is relevant, I mean, this would be a  
15 little bit more relevant.

16 MR. PRICE: Absolutely. We'll have those  
17 documents tomorrow for you, sir.

18 JUDGE SIPPEL: All right. Now, okay,  
19 well, let's think in terms of how we want to handle  
20 them. The SF -- the -- this is a governmental entity,  
21 SFUSD, so I'm assuming that that goes on the public  
22 record, doesn't it?

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1                   MR. PRICE: They're both public documents,  
2 and Ms. Sawaya, who will be testifying tomorrow, can  
3 certainly attest to the KALW documents, and she may,  
4 I'll have to ask her how familiar, her familiarity  
5 with the SFUSD global budget.

6                   But I think it's been well publicized in  
7 the San Francisco media that they're at a enormous  
8 deficit these days and closing schools, so I suspect  
9 she's well aware of it, whether she has first hand  
10 knowledge of it or not I'll have to develop with her.

11                  JUDGE SIPPEL: Well, if she wants to  
12 sponsor the -- I don't think we have to go into great  
13 detail with the documents at this point, I leave that,  
14 of course, up to Mr. Shook also. But if she could  
15 sponsor them -- can she?

16                  MR. PRICE: I suspect she can, and I think  
17 it would be --

18                  JUDGE SIPPEL: Because she's not a --  
19 she's -- I'm sorry, I didn't mean to cut you off, but  
20 she's the general manager of the station. I guess  
21 she's also an employee of SFUSD, then, in that  
22 context, right, in that capacity?



1 MR. PRICE: I think that's correct, Your  
2 Honor.

3 JUDGE SIPPEL: Well, I leave that up to  
4 you.

5 MR. PRICE: Okay.

6 JUDGE SIPPEL: I want a competent witness  
7 in the broad sense of that term to sponsor the  
8 document, so let's -- if they're public record, let's  
9 get them marked, get them in the record, and see what  
10 use they may serve as we go down the road on this  
11 matter.

12 MR. SHOOK: I was just looking ahead to  
13 the possibility of a forfeiture, and then one of the  
14 things that has to be taken into account is the  
15 financial situation of the licensee, which could  
16 arguably be limited to SFUSD or could be limited to  
17 the subset of SFUSD, if you will, KALW, the station.

18 JUDGE SIPPEL: All right. Well, I mean,  
19 you've raised the question, it's, since it's -- I  
20 know, since it's in the front of my mind I certainly  
21 would like to focus on it now so it doesn't get  
22 forgotten, at least so that I don't get it forgotten.

1 And I think we have a pretty -- if you can get copies  
2 tomorrow we have a pretty simple way of doing it.

3 MR. PRICE: Your Honor, one of the other  
4 options may be to, with respect to the SFUSD budget  
5 documents, simply reach a stipulation with bureau  
6 counsel if Ms. Sawaya is not able to introduce them  
7 herself. But I think, well, we can discuss it among  
8 counsel.

9 JUDGE SIPPEL: That's fine. As I say, this  
10 is not a -- I don't mean to push you that it has to  
11 come in tomorrow or the next day, it could come in as  
12 post-hearing exhibits, but whenever you're comfortable  
13 and in whatever manner, shape or form you're  
14 comfortable in getting in.

15 The problem with a stipulation is that  
16 you're going to -- stipulation as to the bottom line  
17 figures isn't going to be the same information as  
18 getting a certified statement if they're readily  
19 available and if they're public records. That's my  
20 only -- that's my comment, it's not my concern.

21 All right. We'll take it up at an  
22 appropriate time within the next couple of days,

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1 tomorrow or Thursday, or Friday if we're here. You're  
2 excused as a witness for tonight.

3 You're still under oath, however, and  
4 you're not to talk about your testimony with any of  
5 the other witnesses in this case, whether they have  
6 testified or whether they are going to testify. Of  
7 course, you can discuss your testimony and situation  
8 with your counsel. All right?

9 THE WITNESS: Okay.

10 JUDGE SIPPEL: And we will meet here  
11 tomorrow at -- start at 9:15 tomorrow morning. I'm  
12 prepared to go until 6:00, a little after 6:00, but  
13 not much later than 6:00 tomorrow night. Thursday  
14 night we can go later if we have to -- to try and  
15 finish up.

16 MR. PRICE: Your Honor, would -- I just  
17 have one question for counsel, I don't know if --

18 JUDGE SIPPEL: Go ahead.

19 MR. PRICE: You want to do it on the  
20 record. If we can anticipate when we may need to  
21 bring our next witness tomorrow, if there's any kind  
22 of a ballpark estimate how much further you have with

1 Mr. Helgeson.

2 MR. SHOOK: I would think that we would go  
3 easily into mid or late afternoon.

4 JUDGE SIPPEL: With this witness?

5 MR. SHOOK: Yes, sir.

6 JUDGE SIPPEL: All right. We're in recess  
7 until 9:15.

8 (Whereupon, the above-entitled matter went  
9 off the record at 6:05 p.m.)

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Name of Hearing

MB DOCKET NO. 04-191

Docket No. (if applicable)

445 12<sup>th</sup> STREET, S.W., WASHINGTON, D.C.

Place of Hearing

JUNE 7, 2005

Date of Hearing

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June 20, 2005

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